

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) CAUSE NO.: 2:19-CR-42-JTM-JEM
)
)
BOBBY LEON SMITH,)
Defendant.)

**FINDINGS AND RECOMMENDATIONS
OF THE MAGISTRATE JUDGE
UPON A SUPERVISED RELEASE REVOCATION HEARING**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA

On June 18, 2025, the United States Government appeared by counsel Assistant United States Attorney Michael Toth, and Defendant Bobby Leon Smith appeared in person and by counsel Timothy E. Bianco. A United States Probation Officer also appeared. The Supervised Release Revocation Hearing was held. The Court received evidence and comments.

Based upon the record of proceedings the Court makes this Report and Recommendation.

On August 14, 2020, Defendant Smith pled guilty to Count 1 charged in the Indictment (unlawful possession of ammunition as a felon) and on September 20, 2021, Judge James T. Moody sentenced him to a term of 55 months imprisonment followed by three years of supervised release subject to specified terms and conditions.

On February 18, 2025, the Government filed a petition alleging that Defendant violated the terms and conditions of supervised release [DE 80], and an arrest warrant was issued. On April 2, 2025, an Initial Appearance was held. The petition was amended on May 9, 2025 [DE 93].

On May 28, 2025, Judge James Moody issued an Order referring this case to the undersigned Magistrate Judge to conduct the Supervised Release Revocation Hearing, to recommend modification, revocation, or termination of the supervised release in this case, and to submit proposed findings and recommendations pursuant to 18 U.S.C. § 3401(i), 28 U.S.C. § 636(b)(1)(B), and Northern District of Indiana Local Rule 72-1.

As a result of the June 18, 2025, Supervised Release Revocation Hearing, the undersigned Magistrate Judge **FINDS** that:

1. Defendant Smith has been advised of his right to remain silent, his right to counsel, his right to be advised of the charges against him, his right to a contested Supervised Release Revocation Hearing, and his rights in connection with such a hearing;
2. Defendant Smith understands the proceedings, allegations and his rights;
3. Defendant Smith knowingly and voluntarily admitted that he committed the criminal offense of leaving the district without the permission of his probation officer and entering a casino after being instructed not to enter a casino [DE 100]; and
4. The violation is a Grade C violation, Defendant's criminal history category is IV, and the suggested penalty range for a grade C violation is 6-12 months incarceration, with a statutory maximum of 24 months.

The undersigned Magistrate Judge **RECOMMENDS** to Judge James Moody that:

1. Defendant Smith be adjudged to have committed a violation of his supervised release described in the May 9, 2025, Amended Petition [DE 93];

2. The Agreed Disposition of Supervised Release Violation [DE 100] be accepted; and
3. Defendant Smith be sentenced to a term of eight months incarceration, with credit for time served, and with no further term of supervised release to follow.

The parties agreed to waive any objections to these Findings and Recommendation.

SO ORDERED this 18th day of June, 2025.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
District Judge James Moody